REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1 and 73 have been amended to address formality issues only. No new matter has been added.

Objections and §112 Rejections

The specification was objected to under 37 C.F.R. 1.75(d)(1) for not providing proper antecedent basis for the term "branch stent deployment device," recited in claims 8, 52, 72 and 73. The drawings were objected to under 37 C.F.R. 183(a) for reasons similar to the objection to the specification. Applicants direct the Examiner to feature 118 shown in Figures 18 and 19 and described at page 15, lines 20-34 of the present application, which illustrate and describe a "stent deployment device" that deploys a stent in a branch vessel. The stent deployment device 118 is described as a separate device from the side member (e.g., side member 68 shown and described with reference to Figures 13-17 of the present application) and should not be interpreted as part of the side member.

Rejections Based on the Prior Art

Claims 1, 3, 4, 6-8, 10-13, 15, 18, 45-48, 50-56, 58-60, 63, 65, 70, 72 and 73 were rejected under 35 U.S.C. § 102(e) as being anticipated by Colombo (US 6,520,988) or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Colombo alone. Applicants respectfully traverse this rejection. Claim 4 was canceled previously, rendering this rejection moot as to that claim.

The Examiner asserts that col. 12, line 52 to col. 13, line 20 of Colombo discloses the use of a marker on the dilator 30, catheter 20, or any other element of the assembly. Applicants respectfully disagree. The Examiner recites only part of the text at col. 13, lines 12-13 of Colombo for support of his position. The entirety of the text recites "the present invention further contemplates providing a similar "side port" marker along the other dilator or access devices *where they are engaged within the side port of an endolumenal prosthesis* according to the other embodiments which are otherwise herein shown or described by reference to the various Figures of the disclosure." Colombo only discloses the use of a marker on a device that

is engaged within the side port of an endolumenal prosthesis (e.g., a stent). The catheter 20 disclosed by Colombo is not engaged within a side port of the endolumenal prosthesis 10, and therefore does not qualify as a device upon which a marker can be provided.

Further, the Examiner has incorrectly interpreted the terms "dilator or access devices" recited at col. 13, line 13 to be a catheter. Colombo uses the term "dilator" throughout to reference a device that extends through the side opening of the endolumenal prosthesis (i.e., the dilator 30), and only uses the term "catheter" to reference a device that remains within the main body of the endolumenal prosthesis and does not extend through a side port of the prosthesis (i.e., the catheter 20). The Examiner has given Colombo a broader reading than what is disclosed or suggested by Colombo. Colombo fails to disclose or suggest a marker on a catheter and a marker on the side member as required by claims 1, 50, 72 and 73. Therefore, Colombo fails to disclose or suggest every limitation of claims 1, 50, 72 and 73 and the claims that depend from them.

Further to the above, Colombo fails to disclose or suggest a "branch stent deployment device" that is an additional feature to the side member, as required by claims 72 and 73. At least Figures 17 and 18 of the present disclosure and the related description of those figures at page 15 of the present specification describe the structure and function of a branch stent deployment device as a separate feature from the side member. The stent deployment device 118 is typically used to deploy a branch vessel stent 116 within a branch vessel after removal of the catheter 64 and side member 68. Colombo discloses only a single element (the dilator 30) that includes an expandable member and includes a radiopaque marker 33 mounted thereon. Thus, Colombo discloses a single element (the dilator 30) whereas claims 72 and 73 require two separate elements (the "side member" and the "branch stent deployment device"). Therefore, Colombo fails to disclose or suggest every limitation of claims 72 and 73 for this additional reason.

Claims 5, 16, 17, 19, 42-44, 61, 62, 64, 66 and 67-69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colombo alone. Applicants respectfully traverse this rejection.

As discussed above, Colombo fails to disclose or suggest every limitation of claims 1 and 50. Therefore, claims 5, 16, 17, 19, 42-44, 61, 62, 64 and 66-69 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Claims 14 and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Colombo and further in view of Davila (US 5,851,464). Applicants respectfully traverse this rejection. As discussed above, Colombo fails to disclose or suggest every limitation of claims 1 and 50. Davila fails to remedy the deficiencies of Colombo as it relates to claims 1 and 50. Therefore, claims 14 and 57 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicants' attorney listed below at 612-371-5387.

Respectfully submitted,

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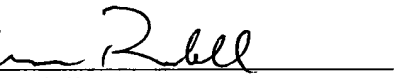

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